

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Amendments to the Claims

Claim 1 has been amended to improve readability and correct to technical antecedence errors.

Because the changes are formal in nature, it is respectfully submitted that they do not introduce new matter or raise new issues, and therefore entry and consideration of the amendments is respectfully requested.

2. Rejection of Claim 1 Under 35 USC §102(b) in view of U.S. Patent No. 6,219,669 (Haff)

This rejection is respectfully traversed on the grounds that the Haff patent fails to disclose inclusion, in a TCP socket layer, of application-specific **data** transfer control codes (*i.e.*, “data transfer codes related to the application layer software”) such as the SQL queries described on page 4 of the original specification, and now recited more specifically in new claims 10 and 11, in addition to the file transfer, and file **and** data transfer progress codes also recited in claim 1.

According to the Examiner, **the Abstract; col. 5, lines 1-18; and Fig. 23 of the Haff patent** disclose the claimed data transfer control codes related to the application layer software, as well as file transfer control codes, and control codes indicating both data and file transfer progress. However, the **Abstract** of Haff merely discusses a file transfer system that utilizes dynamic assignment of data ports, without any suggestion that the socket layer may be modified to include not only file transfer codes but also data transfer codes related to a specific application layer software, while **col. 5, lines 1-18** discuss a computer program called “Wormhole” that “*demonstrate[s] how a socket data structure functions under the Microsoft Windows operating system,*” and that “*is capable of sending only one file to only one PC at a manually entered IP address,*” and **Fig. 23** depicts a “control window” that illustrates how “*the user at any*

interconnected PC of the present invention may initiate a file or index request event by interacting with control windows” (col. 38, lines 61 *et seq.*). **None of these passages suggests the claimed application-specific socket layer data transfer codes.** Instead, they simply explain how an application program can call generic data and file transfer subroutines in the socket to initiate file and data transfers between computers.

As illustrated in Fig. 3 of the present application, the invention permits application software 10B to simply identify a file in the File Database of the server’s application software 20B, and carryout the necessary file transfer and verification steps at the socket level of both the server and client end by a socket function call that carries out a function unique to the application, such as the SQL application-specific .SSendData code described in line 12 on page 4 of the original specification. The dynamic socket of Haff does not include any corresponding function call, at least at the socket level.

Of course, it is possible to get SQL data using the dynamic socket described in the Haff patent. What is unique about the invention is that the data retrieving control code is included in the socket layer, *i.e.*, the socket library of .dll file, thus simplifying programming and execution of the SQL application (or other application with appropriate modifications to the set of control codes). Because the Haff patent fails to disclose inclusion, in the socket layer, of the recited control codes including application-specific data and file transfer control codes, as well as data and file transfer progress control codes, withdrawal of the rejection of claim 1 under 35 USC §102(e) is respectfully requested.

3. Rejection of Claim 2 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,219,669 (Haff) and 5,537,417 (Sharma)

This rejection is respectfully traversed on the grounds that the Sharma patent, like the Haff patent, fails to disclose inclusion, in a TCP socket layer, of application-specific data transfer control codes (*i.e.*, “data transfer codes related to the application layer software”), as claimed.

The Sharma patent is directed to a method of selecting different protocols by establishing a socket that contains information on each of the protocols. This is accomplished by “*moving the decision on which protocol to use to the time that the connection is actually made between nodes in the network*” (col. 2, lines 38-55 of Sharma). Sharma does not disclose any specific modifications to a particular socket for a specified protocol, but rather modifies the method and timing by which the socket is created, so as to create so-called “multi-protocol” sockets (see, col. 9, lines 54 *et seq.* of the Sharma patent).

The claimed invention does not require such dynamic socket creation. Instead, it provides for elements of specific transfer protocols to be included in an existing socket that supplements the conventional Winsock. Thus, whereas the claimed invention involves use of socket type control codes to implement functions that might normally be carried out by application level software modules, simplifying certain types of application level programs and facilitating data and file transfers, the dynamic sockets generated by Sharma (and Haff) are not application specific. **Both the Sharma patent and the Haff patent concern the establishment of the sockets, and do not include any teachings concerning modification of the sockets to implement application-specific data transfers (by including, for example, SQL parameters in the query string).**

Because the Sharma and Haff patents fail to disclose or suggest a socket with application-specific data transfer calls or codes, it is respectfully submitted that the rejection of claim 2 under 35 USC §103(a) based on the Sharma and Haff patents is improper and withdrawal of the rejection is respectfully requested.

4. Rejection of Claim 3 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,219,669 (Haff) and 5,537,417 (Sharma), and “Unit Network Programming” (Stevens)

This rejection is respectfully traversed on the grounds that the Stevens publication, like the Haff and Sharma patents, fails to disclose inclusion, in a TCP socket layer, of application-specific data transfer control codes, as claimed.

While the Stevens publication discloses control codes corresponding to SConnect, SListen, and other basic TCP socket functions, the undersigned has reviewed the cited Sections 4.2-4.9 and 11.2-11.9, and cannot find any functions corresponding to the claimed data and file transfer functions. It may that such functions are accounted for by other protocols, but it is respectfully submitted that neither the Haff patent, the Sharma patent, nor the Stevens publication, whether considered individually or in any reasonable combination, suggests included such functions in a TCP socket. As a result, withdrawal of the rejection of claim 3 under 35 USC §103(a) is respectfully requested.

5. Rejection of Claim 4 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,219,669 (Haff), 5,537,417 (Sharma), and 6,449,601 (Friedland)

This rejection is respectfully traversed on the grounds that the Friedland patent, like the Haff and Sharma patents, fails to disclose a TCP socket layer having application-specific data transfer control codes, as claimed.

While it is of course known to include encryption/decryption capabilities in a socket tool (e.g., the Secure Socket Layer (SSL) protocol), and such encryption/decryption is necessary in an e-commerce/auction environment such as the one disclosed in the Friedland patent, neither the Friedland patent, the Haff patent, nor the Sharma patent suggests integration of integration/decryption functions with file and data transfer functions in a single socket layer tool set, as claimed. In fact, the Friedland patent is not directed to, and does not disclose, any details of the TCP socket layer used by the auction program described therein. As a result, withdrawal of the rejection of claim 4 under 35 USC §103(a) is respectfully requested.

6. Rejection of Claim 5 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,219,669 (Haff), 5,537,417 (Sharma), and 6,504,926 (Edelson)

This rejection is respectfully traversed on the grounds that the Edelson patent, like the Haff and Sharma patents, fails to disclose inclusion, in a TCP socket layer, of application-specific data transfer control codes, as claimed. Furthermore, the Edelson does not disclose or suggest

inclusion of compression/decompression control codes in the socket layer, as specifically recited in claim 4.

The Edelson patent is directed to an Internet telephony application that includes audio data compression/decompression at the application level. No provision is made for including compression/decompression calls in the TCP socket layer. Instead, the compressed/decompressed data is treated, in the conventional TCP socket layer 31 used by Edelson, as ordinary data to be transferred. Whereas the claimed invention provides compression/decompression functions that can be used by a program with the appropriate function calls, Edelson's compression/decompression is application specific and does not include any socket layer codes corresponding to the claimed compression and decompression codes. As a result, withdrawal of the rejection of claim 5 under 35 USC §103(a) is respectfully requested.

7. Rejection of Claims 6-9 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,219,669 (Haff) and 5,537,417 (Sharma), and U.S. Patent Publication No. 2002/0112237 (Kelts)

This rejection is respectfully traversed on the grounds that the Kelts publication, like the Haff and Sharma patents, fails to disclose inclusion, in a TCP socket layer, of application-specific data transfer control codes. Instead, as explained in col. 10, paragraph [106]: "*Application databases 506 are preferably configured to communicate with map servers 504 via TCP/IP in accordance with known techniques.*" Withdrawal of the rejection of claims 6-9 under 35 USC §103(a) is accordingly requested.

8. Rejection of Claims 10 and 11 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,219,669 (Haff), 5,537,417 (Sharma), and 5,899,990 (Maritzen)

This rejection is respectfully traversed on the grounds that the Maritzen patent, like the Haff and Sharma patents, fails to disclose inclusion, in a TCP socket layer, of application-specific data transfer control codes, as claimed. Instead, the Maritzen patent discloses a dynamic "Java" socket that serves as an interface between a database server and Java programs. The "Java" socket is not a TCP socket layer, but rather is used to facilitate file transfers in the form of Java

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applets or applications. **In the system of Maritzen, Java applets or applications, and not just the socket, are required to carry out the data transfers.** There is no data transfer function call that can be invoked by the Java applets or applications to facilitate the transfer of application specific data such as SQL arguments. As explained in col. 6, lines 5-9:

The Java™ application codes and applets examine the state of the client/user interface by parsing the data command, determining the System Query Language (SQL) command and arguments to be transferred.


In contrast, the claimed socket is a conventional TCP socket that has been modified to include application-specific data transfer functions.

As a result, it is respectfully submitted that neither the Haff patent, the Sharma patent, nor the Maritzen patent, whether considered individually or in any reasonable combination, could have suggested invention recited in claims 10 and 11, and withdrawal of the rejection of claims 10 and 11 under 35 USC §103(a) is requested.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

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